

# Senate File 236 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1162)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to local regulation of smoking.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 1617SV 82  
4 pf/sh/8

PAG LIN

1 1 Section 1. Section 142B.1, Code 2007, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 1A. "Health care provider location" means  
1 4 an office or institution providing care or treatment of  
1 5 disease whether physical, mental, or emotional, or other  
1 6 medical, physiological, or psychological conditions, including  
1 7 but not limited to a hospital as defined in section 135B.1, a  
1 8 health care facility as defined in section 135C.1, an elder  
1 9 group home as defined in section 231B.1, an assisted living  
1 10 program as defined in section 231C.2, an adult day services  
1 11 program as defined in section 231D.1, clinics, laboratories,  
1 12 and the locations of professionals regulated pursuant to Title  
1 13 IV, subtitle III, and includes all enclosed areas of the  
1 14 location including waiting rooms, hallways, other common  
1 15 areas, private rooms, semiprivate rooms, and wards within the  
1 16 location.

1 17 Sec. 2. Section 142B.1, subsection 3, Code 2007, is  
1 18 amended to read as follows:

1 19 3. "Public place" means any enclosed indoor area used by  
1 20 the general public or serving as a place of work containing  
1 21 two hundred fifty or more square feet of floor space,  
1 22 including, but not limited to, all restaurants with a seating  
1 23 capacity greater than fifty, all retail stores, lobbies and  
1 24 malls, offices, including waiting rooms, and other commercial  
1 25 establishments; public conveyances with departures, travel,  
1 26 and destination entirely within this state; educational  
1 27 facilities; hospitals, clinics, nursing homes, and other  
1 28 health care and medical facilities; and auditoriums,  
1 29 elevators, theaters, libraries, art museums, concert halls,  
1 30 indoor arenas, and meeting rooms. "Public place" does not  
1 31 include a retail store at which fifty percent or more of the  
1 32 sales result from the sale of tobacco or tobacco products, the  
1 33 portion of a retail store where tobacco or tobacco products  
1 34 are sold, a private, enclosed office occupied exclusively by  
1 35 smokers even though the office may be visited by nonsmokers, a  
2 1 room used primarily as the residence of students or other  
2 2 persons at an educational facility, a sleeping room in a motel  
2 3 or hotel, or each resident's room in a health care facility.  
2 4 The person in custody or control of the facility shall provide  
2 5 a sufficient number of rooms in which smoking is not permitted  
2 6 to accommodate all persons who desire such rooms. "Public  
2 7 place" does not include a private residence unless used as a  
2 8 child care facility, child care home, or a health care  
2 9 provider location.

2 10 Sec. 3. Section 142B.6, unnumbered paragraph 3, Code 2007,  
2 11 is amended by striking the unnumbered paragraph.

2 12 Sec. 4. NEW SECTION. 142B.6A LOCAL REGULATION OF  
2 13 SMOKING.

2 14 1. A city or county may provide for the enforcement, by  
2 15 ordinance, of standards or requirements that are higher or  
2 16 more stringent for public places or public meetings than those  
2 17 imposed under this chapter.

2 18 2. An ordinance adopted under subsection 1 may  
2 19 specifically include the following:

- 2 20 a. An ordinance that eliminates or limits the exemptions  
2 21 specified in section 142B.2, subsection 1.  
2 22 b. An ordinance that prohibits the designation of smoking  
2 23 areas notwithstanding section 142B.2, subsection 2.  
2 24 c. An ordinance that eliminates or limits the exemption in  
2 25 section 142B.2, subsection 3, relating to a public place  
2 26 consisting of a single room or a bar.  
2 27 d. An ordinance that provides higher or more stringent  
2 28 standards or requirements relating to the posting of signs as  
2 29 provided in section 142B.4.  
2 30 e. An ordinance that provides higher or more stringent  
2 31 civil penalties than those provided in section 142B.6.

2 32 EXPLANATION

2 33 This bill provides that a city or county may adopt an  
2 34 ordinance to provide for the enforcement of standards or  
2 35 requirements that are higher or more stringent for public  
3 1 places or public meetings than those imposed under Code  
3 2 chapter 142B (smoking prohibitions). The bill provides that  
3 3 "public place" does not include a private residence unless  
3 4 used as a child care facility, child care home, or a health  
3 5 care provider location.

3 6 The bill provides that an ordinance may specifically  
3 7 include provisions relating to: elimination or limitation of  
3 8 the exemptions relating to designation of a smoking area or  
3 9 the application of designation of a smoking area to an entire  
3 10 room or hall that is used for a private social function, or to  
3 11 factories, warehouses, or similar places of work not usually  
3 12 frequented by the general public; prohibition of the  
3 13 designation of a smoking area; elimination or limitation of  
3 14 the provisions allowing for exemptions for a single room or a  
3 15 bar; posting of signs; and civil penalties.

3 16 The bill also eliminates the provision relating to  
3 17 enforcement of the smoking prohibitions Code chapter in an  
3 18 equitable and uniform manner throughout the state.

3 19 LSB 1617SV 82

3 20 pf:nh/sh/8